

Introduced by Senator Figueroa

February 18, 2005

An act to add Section 109336 to the Health and Safety Code, relating to cancer.

LEGISLATIVE COUNSEL'S DIGEST

SB 583, as amended, Figueroa. Cancer: nonconventional treatment.

Existing law makes it a misdemeanor for any individual, person, firm, association, or other entity representing himself or itself, as engaged in the diagnosis, treatment, alleviation, or cure of cancer to fail to comply with regulations regarding the treatment of cancer.

This bill, notwithstanding these provisions, would prohibit any *licensed* physician and surgeon *or licensed naturopathic doctor* from being in violation of the laws regarding the treatment of cancer or any other law solely on the basis that the advice or treatment for cancer rendered by the physician and surgeon *or naturopathic doctor* to a patient is an innovative or evolving medical treatment or natural health or drugless methodology, provided that the advice or treatment rendered complies with other requirements relating to the use of alternative or complementary medicine.

The bill would authorize a licensed physician and surgeon *and a licensed naturopathic doctor* to provide natural health or drugless methodologies as part of complementary, combined, or modified conventional allopathic treatment for cancer rather than conventional allopathic treatments. It would also permit these physicians and surgeons *and naturopathic doctors* to be independent practitioners or partners in a shared practice with a conventional allopathic physician, and would permit patients to be referred to them by qualified conventional allopathic cancer specialists.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 109336 is added to the Health and
2 Safety Code, to read:
3 109336. (a) Notwithstanding any provision of this article,
4 Article 1 (commencing with Section 109250), or any other
5 provision of law, no physician and surgeon licensed pursuant to
6 Chapter 5 (commencing with Section 2000) of Division 2 of the
7 Business and Professions Code, *or a naturopathic doctor*
8 *licensed pursuant to Chapter 8.2 (commencing with Section*
9 *3610) of Division 2 of the Business and Professions Code*, shall
10 be in violation of this chapter or any other law solely on the basis
11 that the advice or treatment for cancer rendered by the physician
12 and surgeon *or naturopathic doctor* to a patient is an innovative
13 or evolving medical treatment or natural health or drugless
14 methodology, provided that the advice or treatment rendered
15 complies with the requirements of Section 2234.1 of the Business
16 and Professions Code.
17 (b) A licensed physician and surgeon *and a licensed*
18 *naturopathic doctor* may provide natural health or drugless
19 methodologies as part of complementary, combined, or modified
20 conventional allopathic treatment for cancer rather than
21 conventional allopathic treatments. These physicians and
22 surgeons *and naturopathic doctors* may be independent
23 practitioners or partners in a shared practice with a conventional
24 allopathic physician, and patients may be referred to them by
25 qualified conventional allopathic cancer specialists.